

## SENATE BILL NO. 87

INTRODUCED BY M. WATERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ROLES OF CLERKS OF JUSTICES' COURTS AND CITY COURTS; AND AMENDING SECTIONS 3-10-103 AND 3-11-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 3-10-103, MCA, is amended to read:

**"3-10-103. County to provide facilities.** The board of county commissioners of the county in which the justice of the peace has been elected or appointed:

(1) shall provide for the ~~justice of the peace~~ justice's court:

~~(1)(a)~~ (a) the office, courtroom, and clerical assistance necessary to enable ~~him~~ the justice of the peace and the clerk of justice's court, if any, to ~~perform his duties~~ conduct business in dignified surroundings;

~~(2)(b)~~ (b) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary in the proper keeping of the records and files of the ~~judicial office~~ court and the transaction of the business; and

~~(3)(c)~~ (c) the latest edition of the Montana Code Annotated and all official supplements ~~thereto~~; and

(2) may provide a clerk of justice's court."

**Section 2.** Section 3-11-206, MCA, is amended to read:

**"3-11-206. City to provide facilities -- conduct of court business -- electronic filing and storage of court records.** (1) The governing body of the city in which the judge has been elected or appointed:

(a) shall provide for the ~~judge~~ city court:

~~(a)(i)~~ (i) the office space, courtroom, and clerical assistance necessary to enable the ~~judge~~ judge and the clerk of city court, if any, to ~~perform the judge's duties~~ conduct business in dignified surroundings;

~~(b)(ii)~~ (ii) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary for the proper keeping of the records and files of the ~~judicial office~~ court and the transaction of business; and

(e) (iii) one copy of the latest edition of the Montana Code Annotated and all official supplements or immediate access to the code and supplements; and

(b) may provide a clerk of city court.

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The provisions of 3-6-301 through 3-6-302(1)  
and 3-6-303 concerning conduct of municipal court business apply to the city court.

~~(b) If the governing body of a city establishes by ordinance the position of clerk of city court, 3-6-301 does not apply to the city court.~~

(3) The records of the court may be kept by means of electronic filing or storage, or both, as provided in 3-1-114 and 3-1-115, in lieu of or in addition to paper records."

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